

## Liability Protections

An employee of a health studio who renders emergency care or treatment is not liable for civil damages resulting from the use, attempted use or nonuse of an AED, except as described below.

When an employee uses, does not use or attempts to use an AED consistent with the requirements of the Health and Safety Code rendering emergency care or treatment, the members of the board of directors of the facility shall not be liable for civil damages resulting from any act or omission in rendering the emergency care or treatment, including the use or nonuse of an AED, except as described below.

When an employee of a health studio renders emergency care or treatment using an AED, the owners, managers, employees or otherwise responsible authorities of the facility shall not be liable for civil damages resulting from any act or omission in the course of rendering that emergency care or treatment, provided that the facility fully complies with the requirements of the Health and Safety Code.

The same liability language also applies to a person or entity that provides CPR and AED training to a person who renders emergency care, or a physician who is involved in the placement of an AED and any person or entity responsible for the site where an AED is located.



These liability protections **DO NOT** apply in the case of personal injury or wrongful death that results from gross negligence or willful or wanton misconduct on the part of the person who uses, attempts to use or maliciously fails to use an AED to render emergency care or treatment.

**Reference:** Health and Safety Code, Section 104113 and California Civil Code, Sections 1714.2 and 1714.21.

## Disclaimer

The information in this brochure is intended to highlight AED requirements and does not completely reflect all requirements of California laws. For questions regarding legal liability, the EMS Authority recommends consulting with your risk managers and legal counsel. The EMS Authority also recommends contacting your local EMS agency for any additional information or local requirements.

For more information, please visit the EMS Authority Web site at [www.emsa.ca.gov](http://www.emsa.ca.gov) or call (916) 322-4336.



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## Automated External Defibrillator Requirements for Health Clubs and Health Studios



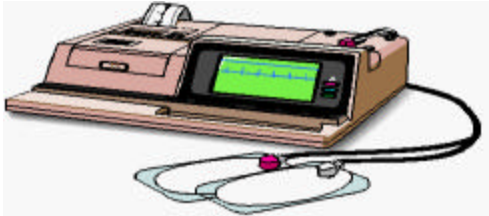
California State Law  
Requirements  
Effective July 1, 2007



### What is the legal requirement for an AED?

Effective July 1, 2007, all health clubs and health studios in California are required to have an automated external defibrillator (AED) program in place as required in the California Health and Safety Code, Section 104113.

### Which health clubs and health studios are affected?



For the purposes of this law, health clubs and health studios mean any facility permitting the use of its facilities and equipment or access to its facilities and equipment to individuals or groups for physical exercise, body building, reducing, figure development, fitness training or any other similar purpose on a membership basis. Health clubs and health studios do not include any hotel or similar business that offers fitness facilities to its registered guests for a fee or as part of hotel charges.

### Who and how many people must be trained?

One person per AED unit obtained shall complete training in cardiopulmonary resuscitation (CPR) and AED use for the first five AEDs. If more than five units are obtained, one additional person shall be trained in CPR and AED use for each block of five AEDs obtained (e.g. 4 AEDs obtained, no less than 4 persons trained in CPR and AED, 7 AEDs obtained, 6 persons trained). Health clubs and health studios shall have trained employees who should be available to respond to an emergency that may involve the use of an AED unit during normal operating hours. Health clubs and health studios may need to train additional employees to ensure that a trained employee is available at all times.

### What is the training requirement?

CPR and AED training shall consist of a minimum of four hours and shall include the following topics and skills:

- The proper use, maintenance and periodic inspection of the AED;
- The importance of CPR, defibrillation, advance life support, adequate airway care and the internal emergency response system (if applicable).
- An overview of the local emergency medical services (EMS) system, including 911 access and interaction with EMS personnel.
- Assessment of the unconscious patient to include evaluation of airway, breathing and circulation to determine if a cardiac arrest has occurred and the appropriateness of applying and activating the AED.
- Information relating to defibrillator safety precautions to enable the individual to administer a shock without jeopardizing the safety of the patient or the authorized individual or other nearby persons.
- Recognition that an electrical shock has been delivered to the patient and that the defibrillator is no longer charged.
- Rapid, accurate assessment of the patient's post-shock status to determine if further activation of the AED is necessary.
- Authorized individual's responsibility of continuation of care, such as the repeated shocks if necessary, and/or accompaniment to the hospital, if indicated, or until the arrival of more medically qualified personnel.

Authorized individuals are required to complete periodic training and proficiency demonstrations no less than once per year or more frequently at the discretion of the authorizing physician.



### What are the maintenance requirements for the AED?

The AED shall be maintained and regularly tested according to the operation and maintenance guidelines set forth by the manufacturer, the American Heart Association or the American Red Cross and according to any applicable rules and regulations set forth by the governmental authority under the federal Food and Drug Administration and any other applicable state and federal authority.

The AED shall be checked for readiness after each use and at least once every 30 days if the AED has not been used in the preceding 30 days. Records of these checks shall be maintained.



### Written Emergency Response Plan

A written plan shall be implemented that describes the procedures to be followed in the event of an emergency that may involve the use of an AED. The written plan shall include, but not be limited to, immediate notification of 911 and CPR and AED trained personnel of the medical emergency and report any use of the AED to the licensed physician and the local EMS agency. A list of local EMS agencies can be viewed at the EMS Authority's Web site at [www.emsa.ca.gov](http://www.emsa.ca.gov). Click the local EMS Agency link.

### Physician Oversight

Both California statutes and regulations require that every AED program involve a physician licensed in the state of California. The physician's responsibilities include, but are not limited to, developing the emergency response plan and ensuring compliance with the statutes and regulations regarding training, notification and maintenance of the AED.